



## The City of San Diego

### Staff Report

DATE ISSUED: 2/1/2022

TO: City Council

FROM: Council President's Office

SUBJECT: Creation of a Temporary Special Issues Council Committee Named the Select Committee on San Diego Housing Commission Oversight and Reform and Appointments of Councilmembers to the Committee.

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Council District(s): Citywide

#### OVERVIEW:

Council establish a temporary standing committee on San Diego Housing Commission Oversight and Reform for a period set to end November 30, 2023 with the specific tasks of providing oversight to the San Diego Housing Commission and considering reforms to the governance and structure of the Commission.

#### PROPOSED ACTIONS:

Council establish a temporary standing committee on San Diego Housing Commission Oversight and Reform for a period set to end November 30, 2023 with the specific tasks of providing oversight to the San Diego Housing Commission and considering reforms to the governance and structure of the Commission.

Confirmation of the Council President's appointments of Councilmember Stephen Whitburn (Chair), Councilmember Chris Cate (Vice Chair), Councilmember Joe LaCava, and Councilmember Marni Von Wilpert.

#### DISCUSSION OF ITEM:

Over the course of the second half of 2021, Councilmember Chris Cate, Councilmember Stephen Whitburn, and Councilmember Joe LaCava met as the Housing Authority Working Group, with the assistance of the City Attorney, to identify potential reforms to the existing structure and relationship between the San Diego Housing Commission (Housing Commission) and the Housing Authority of the City of San Diego (Housing Authority). The group reviewed materials and reports on the formation, authority, and powers of the Housing Authority and Housing Commission. They also reviewed the City's Independent Budget Analyst (IBA) Report on housing authority structures in California. As the IBA Report

offered: "Housing authorities in the State, as well as the nation, differ in structure, practices, and programs as they typically are organized in a way that responds to the unique needs and priorities of the communities they serve. Therefore, it is difficult to clearly identify best practices since no one housing authority operates exactly alike."

As a result of their work, Councilmembers Cate, Whitburn, and LaCava identified the following potential areas for reform:

1. Housing Authority Staff Composition
  - a. Create and fill a new role for a Housing Authority liaison, or consultant, who would have the authority from the Housing Authority to work directly with Housing Commissioners
2. Review and Accountability of President and CEO of the Housing Commission
  - a. Explore amendments to the Executive Director's contract to allow joint performance review by both the Board of Housing Commissioners and Housing Authority
  - b. Require the Executive Director to report to the Housing Authority periodically on issues of interest to the Housing Authority
3. Assess Housing Commission Responsibilities
  - a. Specifically, homelessness-related programs.
4. Define the structure and role of legal counsel, including consideration of legal representation of the Board of Commissioners, Housing Authority, and Housing Commission staff.
5. Define Qualifications for Board of Commissioners
  - a. Add requirements for specific expertise in several relevant disciplines such as: law, finance, real estate, housing policy, homelessness, government, etc.
6. Housing Commissioner Empowerment and Training
  - a. Create an onboarding manual which outlines Housing Commissioners' authority, rules, roles, and responsibilities, in addition to basic terms, relevant issues, and a breakdown of the budget
  - b. Provide trainings on relevant laws, including the Brown Act, Public Records Act, Records Retention, and Conflict of Interest laws
  - c. Define which Commissioner actions are indemnified, when the Commissioners are not covered, and who will defend the Commissioners if a legal action results from a decision they make
7. Closed Session Requirements and Joint Session Meetings
  - a. Update "Administrative Policies" to ensure items during Housing Commission closed session meetings are automatically shared with the Housing Authority
  - b. Housing Authority liaison or consultant from item 1a. to provide updates from the Housing Commission to the Housing Authority
8. Approval of Contracts/Property Acquisitions
  - a. For items within the Executive Director's purview, define the extent to which the Board of Housing Commissioners is informed
  - b. Audit the contracting and real estate acquisition processes to ensure the Executive Director is compliant with best practices and applicable laws
9. Housing Development Partners (HDP) Responsibilities and Accountability
  - a. Explore shifting selection of HDP Board of Directors to the Housing Authority
  - b. Update and clarify bylaws and/or Housing Commission policies of how and when HDP is selected by the Housing Commission for specific project funding and approvals
  - c. Consider annual reporting requirements to the Housing Authority

#### 10. Housing Authority oversight of Housing Commission actions

Additionally, the group recommended forming a special committee to further evaluate options and consider actions to implement potential reforms.

The Council President appoints the following individuals to the Committee:

Stephen Whitburn (Chair)  
Councilmember Chris Cate (Vice Chair)  
Councilmember Joe LaCava  
Councilmember Marni Von Wilpert

The Committee will be authorized to meet beginning on March 1, 2022, through November 30, 2023, unless the objectives for which it was created are not complete, in which case the Council will have the option to extend the Committee's work for up to an additional two years.

Fiscal Considerations: The creation of a Select Committee will not require any additional positions; responsibilities will be managed by the residing chair. Consideration should also be given for additional staff time under the Office of the Mayor, Office of the City Attorney, Council Administration, and Office of the Independent Budget Analyst.

Charter Section 225 Disclosure of Business Interests:

N/A; there is no contract associated with this action.

City Strategic Plan Goal(s)/Objective(s):

Environmental Impact: The creation of a temporary standing committee on San Diego Housing Commission Oversight and Reform, and the appointment of Councilmembers to that committee, is not a project pursuant to CEQA Guidelines Section 15378(b)(5), as it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment. As such, this activity is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3).

Climate Action Plan Implementation:

N/A – Does not have a connection to the CAP.

Equal Opportunity Contracting Information (if applicable):

Previous Council and/or Committee Actions:

Key Stakeholders and Community Outreach Efforts:

Haley Lesser

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Director of Legislative Affairs,  
Council President's Office